



EX PARTE OR LATE FILED

NATIONAL ASSOCIATION OF THE DEAF

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July 21, 1997

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation
MM Docket No. 95-176

Dear Mr. Caton:

On Friday, July 18, 1997, Nancy Bloch, Karen Peltz Strauss, Phil Bravin and Toby Silver of the National Association of the Deaf took part in several meetings at the Federal Communications Commission to discuss issues concerning the above docket on closed captioning. These meetings were held with:

1. Commissioner Rachel Chong, Jane Mago, and Greg Parisi,
2. Commissioner Jim Quello and Marsha MacBride,
3. Commissioner Susan Ness and Anita Wallgren, and
4. Chairman Reed Hundt, Meryl Icove, and Pam Gregory.

Two sign language interpreters were also present at each of these meetings.

The issues discussed are described in the attached document, provided to each of the Commissioners.

Sincerely,

Karen Peltz Strauss
Legal Counsel for Telecommunications Policy

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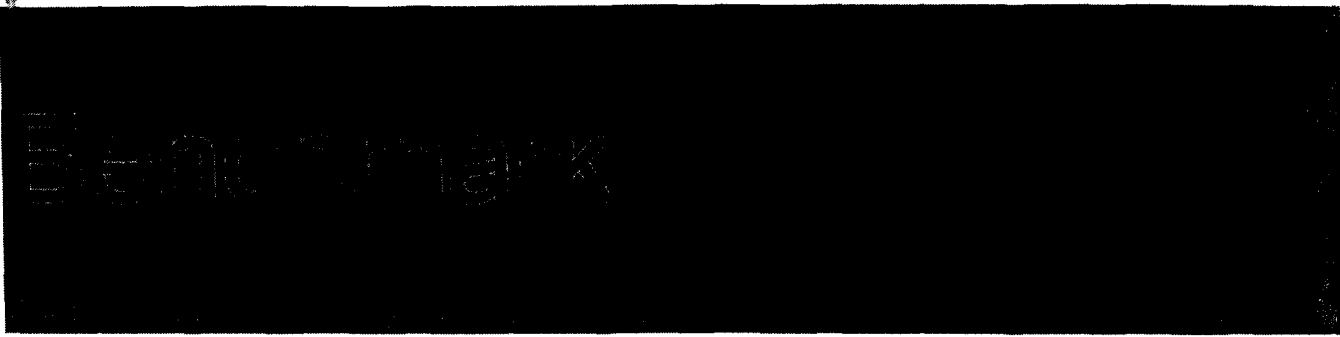
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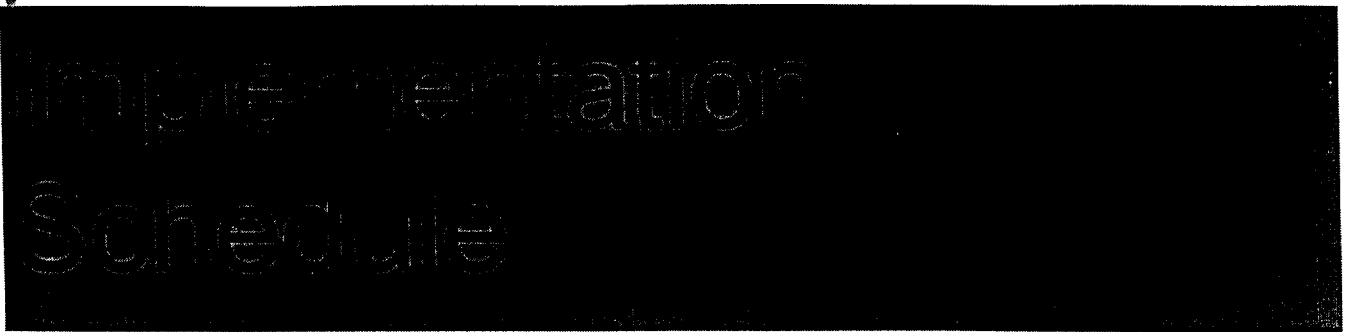
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Closed Captioning Rulemaking Process MM 95-176

July 18, 1997



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- **Need to establish a benchmark period**
 - To ascertain compliance
 - To define baselines for various implementation schedules
 - **Suggested Period**
 - 1st Quarter 1997
 - **Suggested Coverage**
 - Channel by Channel Basis



- **New Programming**
 - 6 years
- **Formula**
 - Set aside number of uncaptioned hours over and above benchmark
 - Allocate remaining hours over and above benchmark equally over next 6 years in annual increments

Implementation Schedule

- **Library Programming**
 - 10 years
 - All programming (i.e., no 75% cap)
 - Those that are previously uncaptioned
- **Formula**
 - 10% a year up to 10 years

Reformats

- **Once captioned, always captioned**
- **Not considered “library” for purposes of implementation**
- **Rationale for calling previously captioned shows as “library” is not synonymous with the definition**

Locally Produced Shows

- **Emergencies**

- Local emergencies need to be captioned (open or closed)
- Local emergencies are not covered by EAS/EBS, so we need to fill the gap
- Closed captioning is a logical vehicle
- Implementation
 - Can use remote captioners on an “on call basis”
 - No need to maintain local staff for emergencies

Locally Produced News Shows

- **News**

- 6 year implementation
 - Order of implementation
 - Top 50 markets - 1st 2 years
 - Next 50 - 2nd 2 years
 - Remaining - 3rd 2 years
- Real-time is the only acceptable requirement (any other forms do not represent full audio representation)
- Must match audio 100%

Quality

- **Basic premise:**

- Deaf and hard of hearing consumers do not necessarily have the facility to monitor nor assess quality

- **Basic standards**

- Captions include all elements of the soundtrack, including music and speaker identification, etc.
- Captions must be provided in style and standards appropriate for type of programming (i.e., for news, real time is required)
- Typos and spelling must be kept to a minimum
- Obscuring captions for open character announcements is not permissible (i.e., the “audio” is lost)

Ultimate Objective and Spirit of the Law

- **Full access to television,
24 hours a day, 7 days a
week, 365 days a year**